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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,020	09/11/2003	Gregory Shirin	33227/458001	8580

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EXAMINER

MYINT, DENNIS Y

ART UNIT	PAPER NUMBER
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2162

NOTIFICATION DATE	DELIVERY MODE
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08/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/662,020	Applicant(s) SHIRIN ET AL.	
	Examiner DENNIS MYINT	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/28/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12-14, 25-27 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 25, 26 and 41 is/are allowed.
- 6) ☒ Claim(s) 1, 12, 13 and 40 is/are rejected.
- 7) ☒ Claim(s) 27, 38, 39, and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/08/07 and 10/01/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on July 28, 2010, has been entered.

2. In the amendment filed on July 28, 2010, claims 1, 12-14, 25-27, 38, and 29 were amended. Claims 40-42 are newly added. Claims 1, 14 and 27 are independent claims. Claims 1, 12-14, 25-27, and 38-42 are currently pending in this application.

Claim Objection

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 27 in lines 1-2 recites "**computer storage readable medium**", and claims 38-9, and 42 in line 1 each recites "**computer readable storage medium**". However, the specification of the instant application fails to provide proper antecedent basis for "**computer storage readable medium** " and "**computer readable storage medium**".

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 12, 13, and 40 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Based upon consideration of all the relevant factors with respect to the claim as a whole , claims 1, 12, 13, and 40 held to claim an abstract idea , and is therefore rejected as ineligible subject matter under 35 U.S.C. §101. The rationale for this finding is explained as follows: involvement of machine, or transformation, with the steps is merely nominally, insignificant, or tangentially related to the performance of the steps, e.g. data gathering, or merely recites a field in which the method is intended to be applied. Particularly, each of the steps of said claims does not recite hardware or hardware is not inherent in the claims.

Therefore, claims 1, 12, 13, and 40 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Allowable Subject Matter

6. Claims 14, 25, 26, and 41 are allowed.

The following is the statement of reason for allowance.

As per claim 14, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Prior art of record does not teach the following limitations:

“the grid participation module corresponding to a grid master comprises instructions for selecting a slave node to process a resource request and instructions for forwarding the resource request to the slave node” and “ the grid participation module corresponding to the slave node comprises instructions for receiving the resource request from the grid master and instructions for processing the resource request”.

The dependent claims of claim 14, being definite, further limiting, and fully enabled by the specification are also allowed.

7. Claims 1, 12, 13, and 40 would be allowable if rewritten to overcome the rejection(s) made under 35 U.S.C. § 101 as set forth in this office and include all the limitations of the base claim and any intervening claims.

As per claim 1, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Prior art of record does not teach the following limitations:

“the grid participation module corresponding to a grid master comprises instructions for selecting a slave node to process a resource request and

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instructions for forwarding the resource request to the slave node” and “ the grid participation module corresponding to the slave node comprises instructions for receiving the resource request from the grid master and instructions for processing the resource request”.

The dependent claims of claim 1 (claims 12, 13, and 10) would be allowable if rewritten to overcome the rejection(s) made under 35 U.S.C. 101 as set forth in this office and include all the limitations of the base claim and any intervening claims.

8. Claims 27, 38, 39, and 42 would be allowable if rewritten to overcome the objection made under 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as set forth in this office and include all the limitations of the base claim and any intervening claims.

As per claim 27, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Prior art of record does not teach the following limitations:

“the grid participation module corresponding to a grid master comprises instructions for selecting a slave node to process a resource request and instructions for forwarding the resource request to the slave node” and “ the grid participation module corresponding to the slave node comprises instructions for receiving the resource request from the grid master and instructions for processing the resource request”.

The dependent claims of claim 14 (claims 38, 39, and 42), would be

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allowable if rewritten to overcome the objection made under 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as set forth in this office and include all the limitations of the base claim and any intervening claims.

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Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dennis Myint/
Examiner, Art Unit 2162

/John Breene/

Supervisory Patent Examiner, Art Unit 2162